

**REMARKS**

Claims 33-51 and 53-62 are pending and under examination. Applicant has amended claims 33, 38, 44, 48, 53, and 55 as indicated herein. Support for these amendments may be found in the specification at, for example, page 18, lines 10-16 and Fig. 1, reference number 150.

Applicants respectfully traverse the rejection of claims 33-51 and 53-62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0055738 (“*Alie*”).

**Rejection of Claims 33-51 and 53-62 under 35 U.S.C. § 102(b):**

Applicant requests reconsideration and withdrawal of the rejection of claims 33-51 and 53-62 under 35 U.S.C. § 102(b) as being anticipated by *Alie*.

Applicant first points out that the rejection is legally deficient, because the Final Office Action still has not addressed the pertinence of the cited reference to each limitation of claims 33-51 and 53-62. 37 C.F.R. § 1.104(c) requires the Examiner to provide more than merely stating that a claim is rejected based on a reference. In particular, 37 C.F.R. § 1.104(c)(2) states:

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The “Response to Arguments” section of the Final Office Action alleged that *Alie* discloses the features of Applicant’s claims 33-51 and 53-62 by restating *Alie*’s disclosure at, for example, paragraphs [0010]-[0018], [0048]-[0051], and [0070]-[0096]. *See* Final Office Action, pages 2-4. However, the Final Office Action did not address the pertinence of *Alie* to each claim element of the pending claims. Rather, the Final Office Action merely rephrased *Alie*’s specification and made general allegations regarding about *Alie* and the claim language. For example, according to the Final Office Action, the “cited prior art does implement and teach a system [and] methods that relate[] to authenticating users of data processing systems using SIM

based authentication involving an exchange of identification data stored on a Subscriber Identity Module.” Final Office Action, page 4.

In addition, the Final Office Action did not respond to Applicant’s arguments regarding *Alie*’s system including only one authentication process, and did not explain why *Alie* allegedly anticipates Applicant’s claimed “second authentication” process. Moreover, the Final Office Action alleged that “Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over [the] prior art[.]” Final Office Action, page 5, (emphasis in original). This ignores the merits of Applicant’s response filed on November 23, 2009, in which Applicant explicitly pointed out the claim features not disclosed by *Alie*. See Amendment filed on November 23, 2009, page 11.

As such, the rejection of claims 33-51 and 53-62 under 35 U.S.C. § 103(a) does not meet the requirements of 37 C.F.R. § 1.104 and is thus improper.

Second, in order to establish anticipation under 35 U.S.C. § 102 , the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in *Alie*. See M.P.E.P. § 2131. *Alie*, however, does not disclose each and every element of Applicants’ claims. Specifically, *Alie* does not disclose at least the following claim elements recited in claim 33:

performing a first, SIM-based authentication of the user’s data processing terminal in the data processing system at an authentication data processing server, said performing the SIM-based authentication comprising operatively associating with the user’s data processing terminal a first subscriber identity module issued to the data processing terminal user;

conditioning the authentication of the user’s data processing terminal in the data processing system to a second authentication, said second authentication being based on identification information provided to the user at the mobile communication terminal through the mobile communication network using a

second subscriber identity module. (Emphases added, independent claims 44, 48, 53, and 60 containing similar recitations.)

In contrast, *Alie* discloses only one SIM used in a user's personal mobile device. *See Alie*, Figs. 12-14. *See also Alie*, paragraph [0092]. The SIM in *Alie*'s system is only provided in the mobile handset (*see Alie*, Fig. 12, reference number 1205 and 1204) and there is only one authentication process between the server and the mobile handset using the SIM. *See Alie*, Figs. 6, 7a, 7b, and 8. Therefore, *Alie* does not disclose or suggest the claimed "a second subscriber identity module" and/or "a second authentication," as recited in amended claim 33 (and similarly in claims 44, 48, 53, and 60).

Since *Alie* does not disclose each and every element of independent claim 33, *Alie* does not anticipate Applicant's independent claim 33 under 35 U.S.C. § 102(b). Therefore, independent claim 33 should be allowable over *Alie*. Independent claims 44, 48, 53, and 60, while of different scope, contain similar recitations as independent claim 33, and should also be allowable for at least the same reasons as independent claim 33. In addition, dependent claims 34-43, 45-47, 49-51, 54-59, 61, and 62 should also be allowable at least by virtue of their respective dependence from independent claim 33, 44, 48, 53, or 60, and because they recite additional features not disclosed in *Alie*. Accordingly, Applicant respectfully requests withdrawal of the rejection.

**Conclusion:**

Applicant requests reconsideration of the application and withdrawal of the rejection. Pending claims 33-51 and 53-62 are in condition for allowance, and Applicant requests a favorable action.

The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicant declines to automatically subscribe to any such statements or characterizations.

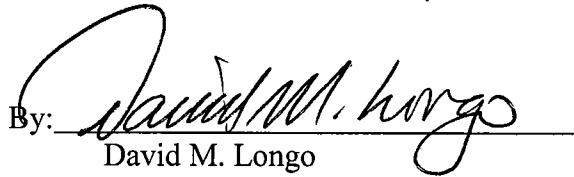
If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 29, 2010

By:   
David M. Longo  
Reg. No. 53,235

/direct telephone: (571) 203-2763/